

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CENTRAL UTA OF MONSEY, CONGREGATION YETEV LEV
OF MONSEY, CHESKEL AND HENNY WERZBERGER,
individually and on behalf of their minor children, M.W., G.W., and
C.W., MORDECHI and RACHEL EGER, individually and on
behalf of their minor children, B.E. and G.E., ALEXANDER and
SARAH SICHERMAN, individually and on behalf of their minor child,
R.S., CHAIM and CHAYA WERCBERGER, individually and on
behalf of their minor child, R.W., RUBEN and BAILA
WERCBERGER, individually and on behalf of their minor child,
B.W., JOEL and RIVKY GROSS, individually and on behalf of
their minor children, M.G. and W.G., JOEL and ESTY
WERZBERGER, individually and on behalf of their minor child,
T.W., HERSHEL and MALKA LANDAU, individually and on behalf
of their minor child, R.L., YITZCHOK LEOVITS, YOSEF
GRUBER, GITTY KASIRER, YITZHOK SCHIFF, ARON
GLAUBER, and RIFKI GLAUBER,

Docket No.:
18-CV-11103 (VB)

DECLARATION OF
LEWIS R. SILVERMAN
IN SUPPORT OF
DEFENDANTS' MOTION
TO DISMISS

Plaintiffs,

-against-

VILLAGE OF AIRMONT, NEW YORK; PHILIP GIGANTE,
individually and as Mayor of the Village of Airmont; SEAN
MACK, individually and as Village Attorney; LISA-ANN
DIMARSICO-SMITH, individually and as Village Clerk and
Treasurer of the Village of Airmont; VILLAGE OF AIRMONT
BOARD OF TRUSTEES; PAUL MARCHESANI, ANTHONY
VALVO; PETER BLUNNIE, KEVIN WARBRICK, individually
And as members of the Village of Airmont Board of Trustees;
VILLAGE OF AIRMONT ZONING BOARD OF APPEALS;
MARTIN KIVELL, ARTHUR KATZ, CHARLES PICARELLI,
LAURIE DIFRANCESCO, SCOTT MEIER, and LINDA
CARBONE, individually and as members of the Village of Airmont
Zoning Board of Appeals; VILLAGE OF AIRMONT PLANNING
BOARD; JOHN CORNELIUS, DOUGLAS WHIPPLE,
ANTHONY SANTUCCI, WILLIAM PHILIP, RUSSELL HOCK,
PAVLE LECEI, KEN BREZNER, individually and as members
of the Village of Airmont Planning Board; BUILDING
DEPARTMENT OF THE VILLAGE OF AIRMONT; LOUIS
ZUMMO; individually and as Building Inspector for the Village of
Airmont; MARINO FONTANA, individually and as Code Enforcer
Of the Village of Airmont; SUFFERN CENTRAL SCHOOL DISTRICT,
and DOUGLAS S. ADAMS, individually and as Superintendent of
Suffern Central School District,

Defendants.

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LEWIS R. SILVERMAN, ESQ., an attorney duly admitted to practice law in the United States District Court for the Southern District of New York, hereby deposes and says subject to the penalties of perjury:

1. I am a member of the law firm of SILVERMAN & ASSOCIATES, attorneys for the defendants, SUFFERN CENTRAL SCHOOL DISTRICT, and DOUGLAS S. ADAMS. I am fully familiar with the facts and circumstances of this matter based on my review of the file maintained by my office in defense of this litigation.

2. This Declaration is submitted in support of the defendants' Motion pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, seeking dismissal of the plaintiffs' Complaint with prejudice for failure to state a claim.

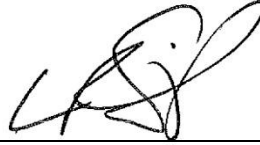
3. As is more fully discussed in the accompanying Memorandum of Law, the plaintiffs' claims alleged in the Complaint should be dismissed with prejudice as a matter of law because the plaintiffs have failed to plausibly and adequately plead any violation of the Religious Land Use and Institutionalized Persons Act of 2000 or of the United States Constitution. In addition, the Complaint fails to state any plausible claims for Monell municipal liability under 42 U.S.C. § 1983 for violation of the First and/or Fourteenth Amendments. Finally, the Complaint likewise fails to state any violation of the New York State Constitution.

4. In support of the instant motion, annexed hereto are the following exhibits:

- a. Exhibit "A" – Plaintiffs' Complaint;
- b. Exhibit "B" – Board of Education Letter to Village of Airmont;
- c. Exhibit "C" – *The Journal News* article of February 2, 2017;
- d. Exhibit "D" – Village of Airmont Certificate of Compliance Fire Safety, with handwritten alteration;

e. Exhibit "E" – District Board Policy No. 8410.

Dated: White Plains, New York
April 26, 2019

A handwritten signature in black ink, appearing to read 'L. R. Silverman', positioned above a horizontal line.

LEWIS R. SILVERMAN